

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JOHN ELLING,**

*Plaintiff,*

v.

**No. 1:20-cv-00306-JHR-JFR**

**HONG CAI, ROBERT BRUCE CARY, a/k/a R.  
BRUCE CARY, a/k/a ROBERT CARY,  
MESA BIOTECH, INC., and MESA TECH  
INTERNATIONAL, INC.,**

*Defendants.*

**NOTICE OF APPEAL**

COMES NOW Plaintiff John Elling, by and through counsel, LAW OFFICE OF JAMISON BARKLEY, LLC (Jamison Barkley) and DUANE MORRIS LLP (Richard L. Renck and Tracey E. Timlin), pursuant to Fed. R. App. P. 3(a)(1) and 10th Cir. R. 3, and gives notice that he hereby appeals to the United States Court of Appeals for the Tenth Circuit from the Memorandum Opinion and Order (Doc. 54) and Judgment (Doc. 55) in the above-captioned case, entered March 31, 2021.

Respectfully submitted,

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*Plaintiff's Counsel*

### **CERTIFICATE OF SERVICE**

I HEREBY certify that I filed a copy of the foregoing Notice of Appeal on this 28th day of April, 2021, and thereby caused all Parties entitled to notice to be served electronically via counsel of record as follows:

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